

REMARKS

Claims 1 and 3-24 are pending in this application. By this Amendment, claims 1 and 14 are amended for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. More specifically, the above amendments to independent claims 1 and 14 are merely for clarity and are unrelated to issues of patentability. Applicant is also submitting a verified English-language translation of the Korean priority document. The translation is provided at this time since the Patent Office has provided a newly applied reference in the outstanding Office Action. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action rejects the claims under 35 U.S.C. §103(a) over U.S. Patent 7,003,790 to Inoue et al. (hereafter Inoue) in view of newly-cited U.S. Patent Publication 2003/0037333 to Ghashghai, alone or in combination with one of U.S. Patent 5,416,693 to Yoshinari, U.S. Patent 7,006,881 to Hoffberg et al. (hereafter Hoffberg) and/or U.S. Patent 6,184,918 to Goldschmidt Iki et al. (hereafter Goldschmidt Iki). The rejections are respectfully traversed with respect to the pending claims.

The Office Action rejects each of the claims over a combination that includes Ghashghai. In particular, when discussing independent claim 1, the Office Action cites Ghashghai's

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paragraphs [0232], [0248], [0251] and [0254]. The Office Action also cites these paragraphs of Ghashghai for features of independent claim 14.

The present application claims priority from Korean Application No. 2002-85755, filed December 29, 2000 (hereafter the Korean priority document). Applicant is attaching a verified English-language translation of the Korean priority document. It is respectfully submitted that the Korean priority document supports each of the rejected claims of the present application.

The cited paragraphs of Ghashghai are not entitled to an effective filing date earlier than December 29, 2000 (which is the Korean priority date). More specifically, the original U.S. Application No. 09/422,121, filed October 20, 1999 of the Ghashghai patent does not support the subject matter of each of Ghashghai's paragraphs [0232], [0248], [0251] and [0254].

Applicant respectfully submits that the Korean priority date predates the effective date of the cited paragraphs of Ghashghai. Thus, the cited paragraphs of Ghashghai are not prior art to independent claims 1 and 14 under 35 U.S.C. §102(e). The rejections based on Ghashghai should be withdrawn at least for this reason.

The Office Action (on pages 4-5) specifically states that Inoue and Yoshinari do not teach that the claimed consumption behavior recorder comprises the normal finish record area, the stopped record area, and skimmed record area, as recited in independent claim 1. Additionally, the Office Action (on pages 9-10) states that Inoue does not teach or suggest the claimed transferred consumption behavior record comprises information relating to a rewinding action, information relating to a slowing action and information relating to a stopped action, as

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recited in independent claim 14. Yoshinari, Hoffberg and Goldschmidt Iki do not teach or suggest these missing features of independent claims 1 and 14. Accordingly, the applied references (without including Ghashghai) do not teach or suggest the features of each of independent claims 1 and 14. Thus, each of independent claims 1 and 14 defines patentable subject matter.

Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

For example, the Office Action relies upon paragraphs [0232], [0247], [0249], [0251] and [0252] of Ghashghai in rejecting each of dependent claims 8 and 20-24. For at least similar reasons as set forth above, the subject matter of these cited paragraphs of Ghashghai are not entitled to a filing date prior to December 29, 2000 (which is the Korean priority date of the present application). The Korean priority document fully supports rejected dependent claims 8 and 20-24. Thus, the cited paragraphs of Ghashghai are not prior art under 35 U.S.C. §102(e) to the subject matter of dependent claims 8 and 20-24. The other applied references do not teach or suggest the missing features of these dependent claims. Dependent claims 8 and 20-24 define patentable subject matter at least for these additional reasons.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1 and 3-24 are earnestly

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solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Attachment: Verified English-language translation
of Korean priority document

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Date: March 17, 2008

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